

Dated: January 8, 2016


UNITED STATES DISTRICT COURT

construction does not clarify that there is variability at the top of the single peak any more than Actavis' proposed construction does. (D.I. 85 at 5-8.) Nor is Actavis's proposed construction, "having only one peak," required to add clarity.

Secondly, the court does not believe it is necessary to clarify through claim construction that the mean is based specifically on plotting the concentration of methylphenidate versus time for a population of subjects, as Actavis contends. (D.I. 86 at 0-11). *See Acumed LLC v. Stryker Corp.*, 483 F.3d 800, 806 (Fed. Cir. 2007) ("[A] sound claim construction need not always purge every shred of ambiguity). The court does not believe a construction more precise than plain and ordinary meaning is required.